

§ 208.1

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APPENDIX A TO PART 208—SUPPLEMENTAL AIR CARRIERS' SURETY BOND UNDER PART 208 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 208)

APPENDIX B TO PART 208—STATEMENT OF SUPPORTING INFORMATION

AUTHORITY: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760,

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766, 769, 771, 788; 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

SOURCE: ER-803, 38 FR 14272, May 31, 1973, unless otherwise noted.

Subpart A—General Provisions

§ 208.1 Applicability.

This part contains terms, conditions, and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 or to exemptions issued under section 416 of the Act.

§ 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 208.3 Definitions.

For the purposes of this part:

(a) *Filing* shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

(b) *Supplemental air carrier* means an air carrier holding a certificate issued under section 401(d)(3) of the Act, or a special operating authorization issued under section 417 of the Act.

(c) *Supplemental air transportation* means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act (1) authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the

United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation, or (2) authorizing the holder to engage in supplemental air transportation of persons and their personal baggage between any point in any State of the United States or the District of Columbia, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

(d) *Agreement* means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation, or termination thereof.

(e) *Cargo agent* means any person (other than a supplemental air carrier or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under authority conferred by any applicable part of the economic regulations of the Board) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, property or consolidated shipments of property for transportation upon the aircraft of supplemental air carriers; or (2) procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(f) [Reserved]

(g) *Ticket agent* means any person (other than a supplemental air carrier or one of its bona fide regular employees) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, passengers or groups of passengers for transportation upon the aircraft of a supplemental air carrier; or (2) procures or arranges for air transportation of passengers or groups of passengers upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(h) *Pro rata charter* means a charter, the cost of which is divided among the passengers transported.

(i) *Single entity charter* means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(j) *Mixed charter* means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(k) *Person* means any individual, firm, association, partnership, or corporation.

(l) *Travel agent* means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(m) *Charter group* means that body of individuals who shall actually participate in the charter flight.

(n) *Charter organization* means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o)-(r) [Reserved]

(s) *Charter flight* means air transportation performed by supplemental air carriers in accordance with § 208.6.

(t) *Substitute service* means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligations to perform such air transportation for the Department of Defense.

(u) *Indirect air carrier* means any citizen of the United States authorized to engage indirectly in air transportation.

(v) *Net worth* means the net stockholder equity as specified in form 41 balance sheet account 2995 of the *Uniform System of Accounts and Reports*.

(w) *Long-term wet lease* means a lease by which the lessor provides both an aircraft and its crew, which either (1) lasts more than 60 days, or (2) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

[ER-803, 38 FR 14272, May 31, 1973, as amended by ER-1096, 44 FR 6645, Feb. 1, 1979; ER-1249, 46 FR 47767, Sept. 30, 1981]

§ 208.3a Waiver.

(a) A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor